

# EXHIBIT 70

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** Local Judgment Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

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**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** State Tax Lien Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** Federal Tax Lien Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - DANBURY JUDICIAL DISTRICT

**Request for:** Local Judgment Search

**Thru Date:** February 05, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** Federal Tax Lien Search

**Thru Date:** January 16, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** Local Judgment Search

**Thru Date:** January 28, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** State Tax Lien Search

**Thru Date:** January 28, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** CT - U.S. DISTRICT COURT

**Request for:** Federal Judgment Search

**Thru Date:** February 03, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request for:** Federal Tax Lien Search

**Thru Date:** January 24, 2014

**Result:** Certified clear result retrieved

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request For:** UCC Debtor Search

**Result:** Records found

**Thru Date:** January 24, 2014

**No. of findings:** 6

**Original UCC Filings:** 2

**Amendments:** 2

**Continuations:** 1

**Assignments:** 1

**Releases:** 0

**Corrections:** 0

**Terminations:** 0

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request for:** UCC Debtor Search

**Result:** Records found

**File Type:** Original

**File Number:** 60840082

**File Date :** 03/10/2006

**Current Secured Party of Record:** DANSKE BANK, A/S LONDON BRANCH

**File Type:** Amendment

**File Number:** 61159771

**File Date :** 04/06/2006

**Original File Number:** 60840082

**File Type:** Assignment

**File Number:** 90781531

**File Date :** 03/11/2009

**Original File Number:** 60840082

**File Type:** Amendment

**File Number:** 90926698

**File Date :** 03/24/2009

**Original File Number:** 60840082

**File Type:** Continuation

**File Number:** 04346429

**File Date :** 12/09/2010

**Original File Number:** 60840082

**File Type:** Original

**File Number:** 32133552

**File Date :** 06/05/2013

**Current Secured Party of Record:** DANSKE BANK A/S, LONDON BRANCH

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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# Delaware

PAGE 1

*The First State*

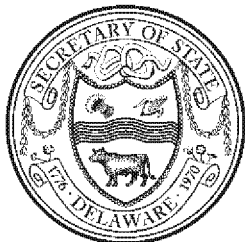
## CERTIFICATE

SEARCHED FEBRUARY 5, 2014, AT 9:14 A.M.  
FOR DEBTOR "DIAMANTE CABO SAN LUCAS, LLC"

1 OF 2 FINANCING STATEMENT 60840082  
EXPIRATION DATE: MARCH 10, 2016  
DEBTOR: DIAMANTE CABO SAN LUCAS LLC  
2 DOGWOOD DRIVE  
DANBURY CT 06811 ADDED 03-10-06  
REMOVED 03-24-09  
DEBTOR: DIAMANTE CABO SAN LUCAS, LLC  
2 DOGWOOD DRIVE ADDED 03-24-09  
DANBURY CT 06811  
SECURED: LEHMAN BROTHERS HOLDINGS INC.  
399 PARK AVENUE ADDED 03-10-06  
NEW YORK NY 10022 REMOVED 03-11-09  
SECURED: DANSKE BANK, A/S LONDON BRANCH  
LONDON BRANCH, ADDED 03-11-09  
75 KING WILLIAM STREET  
LONDON, ENGLAND EC4N 7DT  
F I L I N G H I S T O R Y  
60840082 FILED 03-10-06 AT 6:14 P.M. FINANCING STATEMENT  
61159771 FILED 04-06-06 AT 2:56 P.M. AMENDMENT  
90781531 FILED 03-11-09 AT 6:41 P.M. ASSIGNMENT  
90926698 FILED 03-24-09 AT 12:08 P.M. AMENDMENT  
04346429 FILED 12-09-10 AT 3:10 P.M. CONTINUATION

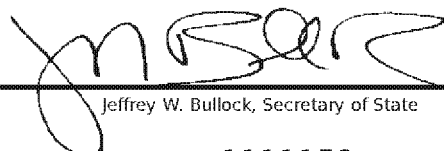
2 OF 2 FINANCING STATEMENT 32133552  
EXPIRATION DATE: JUNE 5, 2018  
DEBTOR: DIAMANTE CABO SAN LUCAS, LLC  
131 DEER HILL AVENUE, SUITE B ADDED 06-05-13  
DANBURY CT 06811  
SECURED: DANSKE BANK A/S, LONDON BRANCH  
75 KING WILLIAM STREET ADDED 06-05-13  
LONDON ENGLAND EC4N 7DT  
F I L I N G H I S T O R Y  
32133552 FILED 06-05-13 AT 12:43 P.M. FINANCING STATEMENT  
E N D O F F I L I N G H I S T O R Y

THE UNDERSIGNED FILING OFFICER HEREBY CERTIFIES THAT THE



20140464362UCXL

140133807

  
Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111152

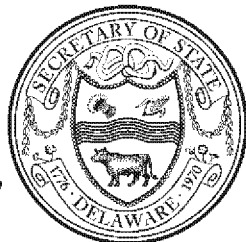
DATE: 02-05-14

# Delaware

PAGE 2

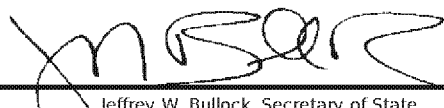
*The First State*

ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENTS, LAPSED FINANCING STATEMENTS, FEDERAL TAX LIENS AND UTILITY SECURITY INSTRUMENTS FILED IN THIS OFFICE WHICH NAME THE ABOVE DEBTOR, AS OF JANUARY 24, 2014 AT 11:59 P.M.



20140464362UCXL

140133807

  
\_\_\_\_\_  
Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111152

DATE: 02-05-14

# UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)	
Jay Schwartz	212-592-1400
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
National Corporate Research Ltd. 523 West Sixth Street Suite 544 Los Angeles, Ca 90014	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:14 PM 03/10/2006  
INITIAL FILING NUM: 6084008 2  
AMENDMENT NUMBER: 0000000  
SRV: 060238661

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME		FIRST NAME		MIDDLE NAME	SUFFIX
OR 1b. INDIVIDUAL'S LAST NAME		CITY		STATE	POSTAL CODE
Diamante Cabo San Lucas LLC		Danbury		CT	06811
1c. MAILING ADDRESS		11. JURISDICTION OF ORGANIZATION		1a. ORGANIZATIONAL ID #, if any	
2 Dogwood Drive		Delaware		<input checked="" type="checkbox"/> NONE	
1d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION			
		LLC			

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME		FIRST NAME		MIDDLE NAME	SUFFIX
OR 2b. INDIVIDUAL'S LAST NAME		CITY		STATE	POSTAL CODE
2c. MAILING ADDRESS		21. JURISDICTION OF ORGANIZATION		2a. ORGANIZATIONAL ID #, if any	
				<input type="checkbox"/> NONE	
2d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION			

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE or ASSIGNOR B/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME		FIRST NAME		MIDDLE NAME	SUFFIX
OR 3b. INDIVIDUAL'S LAST NAME		CITY		STATE	POSTAL CODE
3c. MAILING ADDRESS		New York		NY	10022
399 Park Avenue					

4. This FINANCING STATEMENT covers the following collateral:

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests;
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

Refer to defined terms in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor and KENNETH A. JOWDY, an individual, in favor of LEHMAN BROTHERS HOLDINGS INC.

5. ALTERNATIVE DESIGNATION (if applicable)	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. THIS FINANCING STATEMENT is to be filed (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)	7. Check to REQUEST SEARCH REPORT (1a) on Debtor(s) (optional)	All Debtors	Debtor 1	Debtor 2	F#152948 A#243501	
8. OPTIONAL FILER REFERENCE DATA						
Filed with: DE - Secretary of State						

FILING OFFICE COPY - UCC FINANCING STATEMENT (FORM UCC1) (REV. 05/22/02)

LO26368-5

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 02:56 PM 04/06/2006  
INITIAL FILING NUM: 6084008 2  
AMENDMENT NUMBER: 6115977 1  
SRV: 060325946

A. NAME & PHONE OF CONTACT AT FILER [optional]
B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # 60840082 dated 3/10/2006	1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS <input type="checkbox"/>
2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.	
3. <input type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.	
4. <input type="checkbox"/> ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 8.	
5. AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).	
6. CURRENT RECORD INFORMATION	
6a. ORGANIZATION'S NAME Diamante Cabo San Lucas, LLC	
OR	6b. INDIVIDUAL'S LAST NAME
FIRST NAME	
MIDDLE NAME	
SUFFIX	
7. CHANGED (NEW) OR ADDED INFORMATION	
7a. ORGANIZATION'S NAME	
OR	7b. INDIVIDUAL'S LAST NAME
FIRST NAME	
MIDDLE NAME	
SUFFIX	
7c. MAILING ADDRESS	
CITY	
STATE	
POSTAL CODE	
COUNTRY	
7d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR
7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION
7g. ORGANIZATIONAL ID #, if any	
<input type="checkbox"/> NONE	

8. AMENDMENT (COLLATERAL CHANGE): check only one box.  
Describe collateral ☐ deleted or ☐ added, or give entire ☒ related collateral description, or describe collateral ☐ assigned.

See attached Schedule A.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here <input type="checkbox"/> and enter name of DEBTOR authorizing this Amendment.			
9a. ORGANIZATION'S NAME Lehman Brothers Holdings Inc.			
OR	9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME
			SUFFIX

10. OPTIONAL FILER REFERENCE DATA

Filed with: DE-Secretary of State

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

#### Schedule A

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Pledgor's right, title and interest in Diamante Cabo San Lucas S. De R.L. De CV (the "Borrower"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by Borrower to Pledgors while this Agreement is in effect.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor and KENNETH A. JOWDY, an individual, in favor of LEHMAN BROTHERS HOLDINGS INC.



**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:41 PM 03/11/2009  
INITIAL FILING # 6084008 2  
AMENDMENT # 2009 0781531  
SRV: 090259163

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mitchell Kolkin, Esquire  
Venable LLP  
750 East Pratt Street  
Suite 900  
Baltimore, Maryland 21202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #  
**60840082 FILED 3/10/2006**

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☒ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION

6a. ORGANIZATION'S NAME

OR 6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR 7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS

London Branch, 75 King William Street London EC4N 7DT England

7d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR 7e. TYPE OF ORGANIZATION 7f. JURISDICTION OF ORGANIZATION 7g. ORGANIZATIONAL ID #, if any ☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR 9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA

FILE WITH THE DELAWARE SECRETARY OF STATE; DEBTOR - DIAMANTE CABO SAN LUCAS LLC

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 12:08 PM 03/24/2009  
INITIAL FILING # 6084008 2  
AMENDMENT # 2009 0926698  
SRV: 090295564

## UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mitchell Kolkin, Esquire  
Venable LLP  
750 East Pratt Street  
Suite 900  
Baltimore, Maryland 21202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #  
**60840082 FILED on 3/10/2006**

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☒ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☒ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME  
OR 6b. INDIVIDUAL'S LAST NAME

**Diamante Cabo San Lucas LLC**

FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME  
OR 7b. INDIVIDUAL'S LAST NAME

**Diamante Cabo San Lucas, LLC**

FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS

**2 Dogwood Drive**

CITY **Danbury** STATE **CT** POSTAL CODE **06811** COUNTRY **USA**

7d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR **LLC** 7e. TYPE OF ORGANIZATION **LLC** 7f. JURISDICTION OF ORGANIZATION **Delaware** 7g. ORGANIZATIONAL ID #, if any **4104689** ☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME  
OR 9b. INDIVIDUAL'S LAST NAME

**Danske Bank, A/S London Branch**

FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA

File with the Delaware Secretary of State; Debtor - **Diamante Cabo San Lucas, LLC**

International Association of Commercial Administrators (IACA)

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)



**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

Case 2:13-cr-00607-JFB-AYS Document 858-5 Filed 06/20/20 Page 21 of 128 PageID #: 23684

A. NAME & PHONE OF CONTACT AT FILER [optional]	
8008335778	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
UCC DIRECT SERVICES	
2727 ALLEN PARKWAY	
SUITE 1000	
HOUSTON TX 77019	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 03:10 PM 12/09/2010  
INITIAL FILING # 6084008 2  
AMENDMENT # 2010 4346429  
SRV: 101168999

1a. INITIAL FINANCING STATEMENT FILE # 6084008 2	1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. <input type="checkbox"/>
---	--

2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.
--

3. <input checked="" type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.
---

4. <input type="checkbox"/> ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.
--

5. AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only <u>one</u> of these two boxes. Also check <u>one</u> of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).
--

6. CURRENT RECORD INFORMATION:				
6a. ORGANIZATION'S NAME				
OR	6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:					
7a. ORGANIZATION'S NAME					
OR	7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX	
7c. MAILING ADDRESS		CITY	STATE	POSTAL CODE	COUNTRY

7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION
--------------------------	----------------------------------

8. AMENDMENT (COLLATERAL CHANGE): check only <u>one</u> box. Describe collateral <input type="checkbox"/> deleted or <input type="checkbox"/> added, or give entire <input type="checkbox"/> restated collateral description, or describe collateral <input type="checkbox"/> assigned.
--

9. NAME of SECURED PARTY of RECORD AUTHORIZING THIS AMENDMENT DANSKE BANK A/S. LONDON BRANCH
---

10. OPTIONAL FILER REFERENCE DATA DE-0-43952308
--

# UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 12:43 PM 06/05/2013  
INITIAL FILING # 2013 2133552

SRV: 130739133

A. NAME & PHONE OF CONTACT AT FILER [optional]	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Please Return to Susan Jacoby <b>CT Lien Solutions</b> A WoltersKluwer Company 208 South LaSalle Street, Suite 814 Chicago, IL 60604	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME					
<b>Diamante Cabo San Lucas, LLC</b>					
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
1c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
<b>131 Deer Hill Avenue, Suite B</b>			<b>Danbury</b>	<b>CT</b>	<b>06811</b>
1d. <u>SEE INSTRUCTIONS</u>			ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION
				<b>LLC</b>	<b>Delaware</b>
1g. ORGANIZATIONAL ID #, if any					<input checked="" type="checkbox"/> NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME					
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
2d. <u>SEE INSTRUCTIONS</u>			ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION
2g. ORGANIZATIONAL ID #, if any					<input type="checkbox"/> NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME					
<b>Danske Bank A/S, London Branch</b>					
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS			CITY	STATE	POSTAL CODE
<b>75 King William Street</b>			<b>London</b>		<b>EC4N 7DT</b>
					<b>England</b>

4. This FINANCING STATEMENT covers the following collateral:

See Schedule A Attached.

5. ALTERNATIVE DESIGNATION (if applicable)		<input type="checkbox"/> LESSEE/LESSOR	<input type="checkbox"/> CONSIGNEE/CONSIGNOR	<input type="checkbox"/> BAILEE/BAILOR	<input type="checkbox"/> SELLER/BUYER	<input type="checkbox"/> AG. LIEN	<input type="checkbox"/> NON-UCC FILING
6. <input type="checkbox"/> This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)		7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (optional)		All Debtors		Debtor 1	Debtor 2
8. OPTIONAL FILER REFERENCE DATA							

File with the Delaware Secretary of State; Debtor - Diamante Cabo San Lucas, LLC

**Schedule A**

All of Debtor's right, title and interest in the following (collectively, the **"Pledged Collateral"**):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Debtor in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Pledged Collateral described in this Schedule A and all Proceeds thereof;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Debtor (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

**"Pledged Company Interests"** shall mean all of Debtor's right, title and interest in Diamante Club, LLC a Delaware limited liability company (the **"Company"**), together with any and all membership certificates evidencing ownership of such interests, and all claims powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by the Company to Debtor while this Agreement (hereinafter defined) is in effect.

**"Code"** shall mean the Uniform Commercial Code in effect in any applicable jurisdiction where any Pledged Collateral described by this Schedule A and all Proceeds thereof are "located" for purposes of the Code.

**"Proceeds"** shall mean all "proceeds" as such term is defined in Section 9-102(a)(64) of the Code, and, in any event, shall include, without limitation, all dividends or other income from the Pledged Company Interests, collections thereon or distributions with respect thereto.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated April 26, 2013, made by DIAMANTE CABO SAN LUCAS, LLC and KENNETH A. JOWDY, an individual, in favor of DANSKE BANK A/S, LONDON BRANCH (the **"Agreement"**).

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-1

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CABO SAN LUCAS, LLC

**Jurisdiction:** DE - U.S. DISTRICT COURT

**Request for:** Federal Judgment Search

**Thru Date:** January 03, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** Federal Tax Lien Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** State Tax Lien Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

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**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - DANBURY CITY CLERK

**Request for:** Local Judgment Search

**Thru Date:** February 04, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

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CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE PROPERTIES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY JUDICIAL DISTRICT</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>February 05, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** State Tax Lien Search

**Thru Date:** January 28, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** Federal Tax Lien Search

**Thru Date:** January 16, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - SECRETARY OF STATE

**Request for:** Local Judgment Search

**Thru Date:** January 28, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** CT - U.S. DISTRICT COURT

**Request for:** Federal Judgment Search

**Thru Date:** January 03, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request For:** UCC Debtor Search

**Result:** Records found

**Thru Date:** January 24, 2014

**No. of findings:** 5

**Original UCC Filings:** 1

**Amendments:** 2

**Continuations:** 1

**Assignments:** 1

**Releases:** 0

**Corrections:** 0

**Terminations:** 0

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request for:** UCC Debtor Search

**Result:** Records found

**File Type:** Original

**File Number:** 60839803

**File Date :** 03/10/2006

**Current Secured Party of Record:** DANSKE BANK, A/S LONDON BRANCH

**File Type:** Amendment

**File Number:** 61159508

**File Date :** 04/06/2006

**Original File Number:** 60839803

**File Type:** Assignment

**File Number:** 90781549

**File Date :** 03/11/2009

**Original File Number:** 60839803

**File Type:** Amendment

**File Number:** 90926912

**File Date :** 03/24/2009

**Original File Number:** 60839803

**File Type:** Continuation

**File Number:** 04346783

**File Date :** 12/09/2010

**Original File Number:** 60839803

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

Thank you for using CSC. For real-time 24 hour access to the status of any order placed with CSC, access our website at [www.cscglobal.com](http://www.cscglobal.com).

If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

# Delaware

PAGE 1

*The First State*

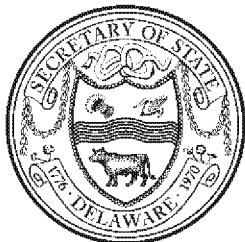
## CERTIFICATE

SEARCHED FEBRUARY 5, 2014, AT 9:20 A.M.  
FOR DEBTOR "DIAMANTE PROPERTIES, LLC"

1 OF 1 FINANCING STATEMENT 60839803  
EXPIRATION DATE: MARCH 10, 2016  
DEBTOR: DIAMANTE PROPERTIES, LLC  
C/O WILLIAM J. NAJAM, JR. ADDED 03-10-06  
2 DOGWOOD DRIVE  
DANBURY CT 06511 REMOVED 03-24-09  
DEBTOR: DIAMANTE PROPERTIES, LLC  
2 DOGWOOD DRIVE ADDED 03-24-09  
DANBURY CT 06811  
SECURED: LEHMAN BROTHERS HOLDINGS INC.  
399 PARK AVENUE ADDED 03-10-06  
NEW YORK NY 10022 REMOVED 03-11-09  
SECURED: DANSKE BANK, A/S LONDON BRANCH  
LONDON BRANCH, ADDED 03-11-09  
75 KING WILLIAM STREET  
LONDON, ENGLAND EC4N 7DT


F I L I N G H I S T O R Y  
60839803 FILED 03-10-06 AT 6:02 P.M. FINANCING STATEMENT  
61159508 FILED 04-06-06 AT 2:47 P.M. AMENDMENT  
90781549 FILED 03-11-09 AT 6:44 P.M. ASSIGNMENT  
90926912 FILED 03-24-09 AT 12:08 P.M. AMENDMENT  
04346783 FILED 12-09-10 AT 3:20 P.M. CONTINUATION  
E N D O F F I L I N G H I S T O R Y

THE UNDERSIGNED FILING OFFICER HEREBY CERTIFIES THAT THE  
ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING  
STATEMENTS, LAPSED FINANCING STATEMENTS, FEDERAL TAX LIENS AND  
UTILITY SECURITY INSTRUMENTS FILED IN THIS OFFICE WHICH NAME THE  
ABOVE DEBTOR, AS OF JANUARY 24, 2014 AT 11:59 P.M.



20140464461UCXL

140133825

  
Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111155

DATE: 02-05-14

# UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)	
Jay Schwartz	212-592-1400
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
National Corporate Research Ltd. 523 West Sixth Street Suite 544 Los Angeles, Ca 90014	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:02 PM 03/10/2006  
INITIAL FILING NUM: 6083980 3  
AMENDMENT NUMBER: 0000000  
SRV: 060238621

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names				
1a. ORGANIZATION'S NAME Diamante Properties, LLC				
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
1c. MAILING ADDRESS c/o William J. Najam, Jr., 2 Dogwood Drive				
CITY Danbury		STATE CT	POSTAL CODE 06511	COUNTRY
1d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION LLC	1f. JURISDICTION OF ORGANIZATION Delaware	1g. ORGANIZATIONAL ID #, if any <input checked="" type="checkbox"/> NONE
2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names				
2a. ORGANIZATION'S NAME				
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
2c. MAILING ADDRESS				
CITY		STATE	POSTAL CODE	COUNTRY
2d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any <input type="checkbox"/> NONE
3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR(S)) - insert only one secured party name (3a or 3b)				
3a. ORGANIZATION'S NAME Lehman Brothers Holdings Inc.				
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
3c. MAILING ADDRESS 399 Park Avenue				
CITY New York		STATE NY	POSTAL CODE 10022	COUNTRY

4. This FINANCING STATEMENT covers the following collateral:  
All of Debtor's right, title and interest to the following (collectively, the "Pledged Collateral"):  
(i) all Pledged Company Interests;  
(ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;  
(iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;  
(iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and  
(v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

Refer to defined terms in that certain Pledge and Security Agreement dated March 6, 2006, made by Debtor, KENNETH A. JOWDY, an individual, BAJA VENTURES 2006, LLC, CSL PROPERTIES 2006, LLC, and KAJ HOLDINGS, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.

5. ALTERNATIVE DESIGNATION (if applicable)	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AD. LIEN	NON-UCC FILING
6. THIS FINANCING STATEMENT is to be filed (or record) in the REAL ESTATE RECORDS. Attach Addendum (if applicable)	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (optional)	All Debtors	Debtor 1	Debtor 2		
8. OPTIONAL FILER REFERENCE DATA Filed with: DE - Secretary of State					F#152950 A#243503	

FILING OFFICE COPY — UCC FINANCING STATEMENT (FORM UCC1) (REV. 05/22/02) 2026368-2



UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 02:47 PM 04/06/2006  
INITIAL FILING NUM: 6083980 3  
AMENDMENT NUMBER: 6115950 8  
SRV: 060325874

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #  
60839803 dated 3/10/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions regarding changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION

6a. ORGANIZATION'S NAME

OR Diamante Properties, LLC

6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION.

7a. ORGANIZATION'S NAME

OR 7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☒ restated collateral description, or describe collateral ☐ assigned.

See attached Schedule A.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment; if this is an Amendment authorized by a Debtor, which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR Lehman Brothers Holdings Inc.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

Filed with: DE-Secretary of State

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

#### Schedule A

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Pledgor's right, title and interest in Diamante Cabo San Lucas, LLC (the "Company"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by Company to Pledgors while this Agreement is in effect.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor, KENNETH A. JOWDY, an individual, BAJA VENTURES 2006, LLC, CSL PROPERTIES 2006, LLC, and KAJ HOLDINGS, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)
B. SEND ACKNOWLEDGMENT TO: (Name and Address)
Mitchell Kolkin, Esquire Venable LLP 750 East Pratt Street Suite 900 Baltimore, Maryland 21202

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:44 PM 03/11/2009  
INITIAL FILING # 6083980 3  
AMENDMENT # 2009 0781549  
SRV: 090259169

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

60839803 FILED 3/10/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☒ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor ☒ Secured Party of record. Check only one of these two boxes

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR

Danske Bank, A/S London Branch

7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

London Branch, 75 King William Street

CITY

London

STATE

POSTAL CODE

EC4N 7DT

COUNTRY

England

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment

9a. ORGANIZATION'S NAME

OR

Lehman Brothers Holdings Inc.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

FILE WITH THE DELAWARE SECRETARY OF STATE; DEBTOR - DIAMANTE PROPERTIES, LLC

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 12:08 PM 03/24/2009  
INITIAL FILING # 6083980 3  
AMENDMENT # 2009 0926912  
SRV: 090295615

## UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mitchell Kolkin, Esquire  
Venable LLP  
750 East Pratt Street  
Suite 900  
Baltimore, Maryland 21202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #  
**60839803 FILED on 3/10/2006**

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☒ Debtor or ☐ Secured Party of record. Check only one of these two boxes.  
Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.  
☒ CHANGE name and/or address. Please refer to the detailed instructions in regards to changing the name/address of a party. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME  
**Diamante Properties, LLC**

OR 6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME  
**Diamante Properties, LLC**

OR 7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS  
**c/o William J. Najam, Jr., 2 Dogwood Drive**

CITY **Danbury** STATE **CT** POSTAL CODE **06811** COUNTRY **USA**

7d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR **LLC** 7f. JURISDICTION OF ORGANIZATION **Delaware** 7g. ORGANIZATIONAL ID # if any **3859308** ☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box  
Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment

9a. ORGANIZATION'S NAME  
**Danske Bank, A/S London Branch**

OR 9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA

File with the Delaware Secretary of State; Debtor - Diamante Properties, LLC

International Association of Commercial Administrators (IACA)

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

Case 2:13-cr-00607-JFB-AYS Document 858-5 Filed 06/20/20 Page 41 of 128 PageID #: 23794

A. NAME & PHONE OF CONTACT AT FILER [optional]	
8008335778	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
UCC DIRECT SERVICES	
2727 ALLEN PARKWAY	
SUITE 1000	
HOUSTON TX 77019	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 03:20 PM 12/09/2010  
INITIAL FILING # 6083980 3  
AMENDMENT # 2010 4346783  
SRV: 101169094

1a. INITIAL FINANCING STATEMENT FILE # 6083980 3

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☒ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

**6. CURRENT RECORD INFORMATION:**

6a. ORGANIZATION'S NAME				
OR	6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

**7. CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME				
OR	7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION			

**8. AMENDMENT (COLLATERAL CHANGE):** check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

**9. NAME of SECURED PARTY of RECORD AUTHORIZING THIS AMENDMENT**

DANSKE BANK A/S. LONDON BRANCH

**10. OPTIONAL FILER REFERENCE DATA**

DE-0-43952389



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Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** DE - SECRETARY OF STATE

**Request for:** Federal Tax Lien Search

**Thru Date:** January 24, 2014

**Result:** Certified clear result retrieved

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-2

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE PROPERTIES, LLC

**Jurisdiction:** DE - U.S. DISTRICT COURT

**Request for:** Federal Judgment Search

**Thru Date:** January 03, 2014

**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Federal Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Local Judgment Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** State Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KAJ HOLDINGS, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY JUDICIAL DISTRICT</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>February 05, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KAJ HOLDINGS, LLC</b>
<b>Jurisdiction:</b>	<b>CT - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>January 28, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 16, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** State Tax Lien Search  
**Thru Date:** January 28, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** CT - U.S. DISTRICT COURT  
**Request for:** Federal Judgment Search  
**Thru Date:** January 03, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KAJ HOLDINGS, LLC</b>
<b>Jurisdiction:</b>	<b>DE - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>Federal Tax Lien Search</b>
<b>Thru Date:</b>	<b>January 24, 2014</b>
<b>Result:</b>	<b>Certified clear result retrieved</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KAJ HOLDINGS, LLC</b>
<b>Jurisdiction:</b>	<b>DE - SECRETARY OF STATE</b>
<b>Request For:</b>	<b>UCC Debtor Search</b>
<b>Result:</b>	<b>Records found</b>
<b>Thru Date:</b>	<b>January 24, 2014</b>
<b>No. of findings:</b>	5
<b>Original UCC Filings:</b>	1
<b>Amendments:</b>	2
<b>Continuations:</b>	1
<b>Assignments:</b>	1
<b>Releases:</b>	0
<b>Corrections:</b>	0
<b>Terminations:</b>	0

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**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KAJ HOLDINGS, LLC  
**Jurisdiction:** DE - SECRETARY OF STATE  
**Request for:** UCC Debtor Search  
**Result:** Records found

**File Type:** Original  
**File Number:** 60839977  
**File Date :** 03/10/2006  
**Current Secured Party of Record:** DANSKE BANK, A/S LONDON BRANCH

**File Type:** Amendment  
**File Number:** 61159631  
**File Date :** 04/06/2006  
**Original File Number:** 60839977

**File Type:** Assignment  
**File Number:** 90781614  
**File Date :** 03/11/2009  
**Original File Number:** 60839977

**File Type:** Amendment  
**File Number:** 90927316  
**File Date :** 03/24/2009  
**Original File Number:** 60839977

**File Type:** Continuation  
**File Number:** 04346858  
**File Date :** 12/09/2010  
**Original File Number:** 60839977

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# Delaware

PAGE 1

*The First State*

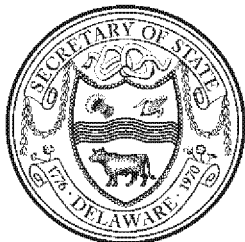
## CERTIFICATE

SEARCHED FEBRUARY 5, 2014, AT 9:21 A.M.  
FOR DEBTOR "KAJ HOLDINGS, LLC"

1 OF 1 FINANCING STATEMENT 60839977  
EXPIRATION DATE: MARCH 10, 2016  
DEBTOR: KAJ HOLDINGS, LLC  
C/O KENNETH A. JOWDY ADDED 03-10-06  
74 INNISBROOK AVENUE  
LAS VEGAS NV 89113 REMOVED 03-24-09  
DEBTOR: KAJ HOLDINGS, LLC  
74 INNISBROOK AVE. ADDED 03-24-09  
LAS VEGAS NV 89113  
SECURED: LEHMAN BROTHERS HOLDINGS INC.  
399 PARK AVENUE ADDED 03-10-06  
NEW YORK NY 10022 REMOVED 03-11-09  
SECURED: DANSKE BANK, A/S LONDON BRANCH  
LONDON BRANCH, ADDED 03-11-09  
75 KING WILLIAM STREET  
LONDON, ENGLAND EC4N 7DT

F I L I N G H I S T O R Y  
60839977 FILED 03-10-06 AT 6:12 P.M. FINANCING STATEMENT  
61159631 FILED 04-06-06 AT 2:53 P.M. AMENDMENT  
90781614 FILED 03-11-09 AT 6:49 P.M. ASSIGNMENT  
90927316 FILED 03-24-09 AT 12:09 P.M. AMENDMENT  
04346858 FILED 12-09-10 AT 3:23 P.M. CONTINUATION  
E N D O F F I L I N G H I S T O R Y

THE UNDERSIGNED FILING OFFICER HEREBY CERTIFIES THAT THE  
ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING  
STATEMENTS, LAPSED FINANCING STATEMENTS, FEDERAL TAX LIENS AND  
UTILITY SECURITY INSTRUMENTS FILED IN THIS OFFICE WHICH NAME THE  
ABOVE DEBTOR, AS OF JANUARY 24, 2014 AT 11:59 P.M.



20140464503UCXL

140133828

A handwritten signature in black ink, appearing to read "miser", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111159

DATE: 02-05-14

**UCC FINANCING STATEMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]	
Jay Schwartz	212-592-1400
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
National Corporate Research Ltd. 523 West Sixth Street Suite 544 Los Angeles, Ca 90014	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:12 PM 03/10/2006  
INITIAL FILING NUM: 6083997 7  
AMENDMENT NUMBER: 0000000  
SRV: 060238652

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

**1. DEBTOR'S EXACT FULL LEGAL NAME** - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME			
KAJ Holdings, LLC			
OR	1b. INDIVIDUAL'S LAST NAME		
	FIRST NAME	MIDDLE NAME	SUFFIX

1c. MAILING ADDRESS		CITY	STATE	POSTAL CODE	COUNTRY
c/o Kenneth A. Jowdy, 74 Innisbrook Avenue		Las Vegas	NV	89113	

1d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any
		LLC	Delaware	

**2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME** - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME			
OR	2b. INDIVIDUAL'S LAST NAME		
	FIRST NAME	MIDDLE NAME	SUFFIX

2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE	COUNTRY

2d. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any

**3. SECURED PARTY'S NAME** (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME			
Lehman Brothers Holdings Inc.			
OR	3b. INDIVIDUAL'S LAST NAME		
	FIRST NAME	MIDDLE NAME	SUFFIX

3c. MAILING ADDRESS		CITY	STATE	POSTAL CODE	COUNTRY
399 Park Avenue		New York	NY	10022	

4. This FINANCING STATEMENT covers the following collateral:  
All of Debtor's right, title and interest to the following (collectively, the "Pledged Collateral"):  
(i) all Pledged Company Interests;  
(ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;  
(iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;  
(iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing;  
and  
(v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

Refer to defined terms in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor, KENNETH A. JOWDY, an individual, BAJA VENTURES 2006, LLC, DIAMANTE PROPERTIES, LLC, and CSL PROPERTIES 2006, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.

5. ALTERNATIVE DESIGNATION (if applicable)	LESSEE/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILOR	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. THIS FINANCING STATEMENT is to be filed (or recorded) in the REAL ESTATE RECORDS. Attach Address(es).		7. Check to REQUEST SEARCH REPORT (S) in the State(s) (if checked)		8. OPTIONAL FILER REFERENCE DATA		
				Filed with: DE - Secretary of State F#152952 A#243505		

FILING OFFICE COPY — UCC FINANCING STATEMENT (FORM UCC1) (REV. 05/22/02) 1026368-4

**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 02:53 PM 04/06/2006  
INITIAL FILING NUM: 6083997 7  
AMENDMENT NUMBER: 6115963 1  
SRV: 060325917

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

60839977 dated 3/10/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party

☐ DELETE name: Give record name to be deleted in item 8a or 8b

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable)

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR KAJ Holdings, LLC

6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR 7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box

Describe collateral ☐ deleted or ☐ added, or give entire ☒ recited collateral description, or describe collateral ☐ assigned.

See attached Schedule A.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR Lehman Brothers Holdings Inc.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

Filed with: DE-Secretary of State

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)



#### Schedule A

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Pledgor's right, title and interest in Diamante Cabo San Lucas, LLC (the "Company"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by Company to Pledgors while this Agreement is in effect.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor, KENNETH A. JOWDY, an individual, BAJA VENTURES 2006, LLC, DIAMANTE PROPERTIES, LLC, and CSL PROPERTIES 2006, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.

**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 06:49 PM 03/11/2009  
INITIAL FILING # 6083997 7  
AMENDMENT # 2009 0781614  
SRV: 090259195

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mitchell Kolkin, Esquire  
Venable LLP  
750 East Pratt Street  
Suite 900  
Baltimore, Maryland 21202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

60839977 FILED 3/10/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☒ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address. Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR 6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

Danske Bank, A/S London Branch

OR 7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

London Branch, 75 King William Street

CITY

London

STATE

POSTAL CODE

EC4N 7DT

COUNTRY

England

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

Lehman Brothers Holdings Inc.

OR 9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

FILE WITH THE DELAWARE SECRETARY OF STATE; DEBTOR - KAJ HOLDINGS, LLC

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 12:09 PM 03/24/2009  
INITIAL FILING # 6083997 7  
AMENDMENT # 2009 0927316  
SRV: 090295724

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Mitchell Kolkin, Esquire  
Venable LLP  
750 East Pratt Street  
Suite 900  
Baltimore, Maryland 21202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #  
**60839977 FILED on 3/10/2006**

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☒ Debtor ☐ Secured Party of record. Check only one of these two boxes.  
Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.  
☒ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME  
**KAJ Holdings, LLC**

OR 6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME  
**KAJ Holdings, LLC**

OR 7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS  
**c/o Kenneth A. Jowdy, 74 Innisbrook Avenue Las Vegas NV 89113 USA**

7d. SEE INSTRUCTIONS ADD'L INFO RE ORGANIZATION DEBTOR **LLC** 7e. TYPE OF ORGANIZATION **Delaware** 7f. JURISDICTION OF ORGANIZATION **4115122** 7g. ORGANIZATIONAL ID #, if any ☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.  
Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME  
**Danske Bank, A/S London Branch**

OR 9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

10. OPTIONAL FILER REFERENCE DATA

File with the Delaware Secretary of State; Debtor - KAJ Holdings, LLC

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)



**UCC FINANCING STATEMENT AMENDMENT**

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

Case 2:13-cr-00607-JFB-AYS Document 858-5 Filed 06/20/20 Page 61 of 128 PageID #: 23724

A. NAME & PHONE OF CONTACT AT FILER [optional]	
8008335778	
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
UCC DIRECT SERVICES	
2727 ALLEN PARKWAY	
SUITE 1000	
HOUSTON TX 77019	

DELAWARE DEPARTMENT OF STATE  
U.C.C. FILING SECTION  
FILED 03:23 PM 12/09/2010  
INITIAL FILING # 6083997 7  
AMENDMENT # 2010 4346858  
SRV: 101169120

1a. INITIAL FINANCING STATEMENT FILE #  
6083997 7

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☒ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

**6. CURRENT RECORD INFORMATION:**

6a. ORGANIZATION'S NAME				
OR	6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

**7. CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME				
OR	7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION			

**8. AMENDMENT (COLLATERAL CHANGE):** check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

**9. NAME of SECURED PARTY of RECORD AUTHORIZING THIS AMENDMENT**

DANSKE BANK A/S. LONDON BRANCH

**10. OPTIONAL FILER REFERENCE DATA**

DE-0-43952419

**CORPORATION SERVICE COMPANY**

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CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-3

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KAJ HOLDINGS, LLC</b>
<b>Jurisdiction:</b>	<b>DE - U.S. DISTRICT COURT</b>
<b>Request for:</b>	<b>Federal Judgment Search</b>
<b>Thru Date:</b>	<b>January 03, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

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CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Federal Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CLUB, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY CITY CLERK</b>
<b>Request for:</b>	<b>State Tax Lien Search</b>
<b>Thru Date:</b>	<b>February 04, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Local Judgment Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

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1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CLUB, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY JUDICIAL DISTRICT</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>February 05, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 16, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.

**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** State Tax Lien Search  
**Thru Date:** January 28, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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If you have any questions concerning this order or CSCGlobal, please feel free to contact us.

Jeffrey Boyle  
[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

**Corporation Service Company(R) Terms and Conditions**

You agree that all information that Corporation Service Company furnishes to you will be used solely as one factor in your credit, insurance, marketing or other business decisions and will not be used (i) in determining a consumer's eligibility for credit or insurance where such credit or insurance is to be used primarily for personal, family or household purposes, (ii) for employment purposes, or (iii) for governmental licenses. Use of the information in the above manner is a violation of the Fair Credit Reporting Act.



**CORPORATION SERVICE COMPANY**

www.cscglobal.com

CSC- New York  
Suite 210  
1180 Avenue OF the Americas  
New York, NY 10036-8401  
212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** Local Judgment Search  
**Thru Date:** January 28, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** CT - U.S. DISTRICT COURT  
**Request for:** Federal Judgment Search  
**Thru Date:** January 03, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CLUB, LLC</b>
<b>Jurisdiction:</b>	<b>DE - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>UCC Debtor Search</b>
<b>Thru Date:</b>	<b>January 24, 2014</b>
<b>Result:</b>	<b>Certified clear result retrieved</b>

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# Delaware

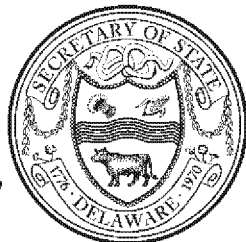
PAGE 1

*The First State*

## CERTIFICATE

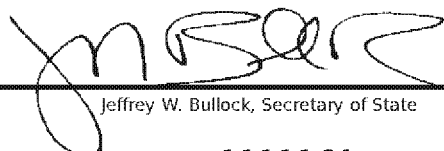
SEARCHED FEBRUARY 5, 2014, AT 9:22 A.M.  
FOR DEBTOR "DIAMANTE CLUB, LLC"

THE UNDERSIGNED FILING OFFICER HEREBY CERTIFIES THAT THERE  
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INSTRUMENTS FILED IN THIS OFFICE WHICH NAME THE ABOVE DEBTOR, AS  
OF JANUARY 24, 2014 AT 11:59 P.M.



20140464537UCXL

140133832

  
Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111164

DATE: 02-05-14

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**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** DE - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 24, 2014  
**Result:** Certified clear result retrieved

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**Matter#** 088508/00001

**Order#** 991947-4

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CLUB, LLC  
**Jurisdiction:** DE - U.S. DISTRICT COURT  
**Request for:** Federal Judgment Search  
**Thru Date:** January 03, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** State Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Local Judgment Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Federal Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CSL, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY JUDICIAL DISTRICT</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>February 05, 2014</b>
<b>Result:</b>	<b>Clear</b>

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** Local Judgment Search  
**Thru Date:** January 28, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CSL, LLC</b>
<b>Jurisdiction:</b>	<b>CT - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>State Tax Lien Search</b>
<b>Thru Date:</b>	<b>January 28, 2014</b>
<b>Result:</b>	<b>Clear</b>

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 16, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** CT - U.S. DISTRICT COURT  
**Request for:** Federal Judgment Search  
**Thru Date:** January 03, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>DIAMANTE CSL, LLC</b>
<b>Jurisdiction:</b>	<b>DE - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>UCC Debtor Search</b>
<b>Thru Date:</b>	<b>January 24, 2014</b>
<b>Result:</b>	<b>Certified clear result retrieved</b>

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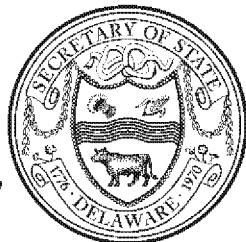
PAGE 1

*The First State*

## CERTIFICATE

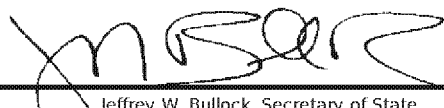
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FOR DEBTOR "DIAMANTE CSL, LLC"

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20140464552UCXL

140133835

  
\_\_\_\_\_  
Jeffrey W. Bullock, Secretary of State

AUTHENTICATION: 1111166

DATE: 02-05-14



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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** DE - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 24, 2014  
**Result:** Certified clear result retrieved

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**Matter#** 088508/00001

**Order#** 991947-5

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** DIAMANTE CSL, LLC  
**Jurisdiction:** DE - U.S. DISTRICT COURT  
**Request for:** Federal Judgment Search  
**Thru Date:** January 03, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KENNETH A. JOWDY  
**Jurisdiction:** NV - CLARK COUNTY  
**Request for:** State Tax Lien Search  
**Thru Date:** February 03, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KENNETH A. JOWDY</b>
<b>Jurisdiction:</b>	<b>NV - CLARK COUNTY</b>
<b>Request For:</b>	<b>Local Judgment Search</b>
<b>Result:</b>	<b>Records found</b>
<b>Thru Date:</b>	<b>February 03, 2014</b>
<b>No. of findings:</b>	<b>1</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KENNETH A. JOWDY

**Jurisdiction:** NV - CLARK COUNTY

**Request for:** Local Judgment Search

**Result:** Records found

**Case Number:** 201106080003583

**File Date :** 06/08/2011

**Amount:** \$154,532.63

**Plaintiff :** H&S

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## Search Results

You searched under: **Instrument Number**, for: **201106080003583**, with the document types of: **N/A**, between: **N/A** and **N/A**

### Records found: 1

Refresh								
First Party Name	First Cross Party Name	Instrument #	Document Type	Modifier	Record Date	Parcel #	Remarks	Total Value
<u>JOWDY, KENNETH</u>	MURRAY, GLEN	201106080003583	NOTICE	JUDGMENT	6/8/2011 3:48:04 PM			\$0.00

23754

9

Inst #: 201106080003583  
Fees: \$22.00  
N/C Fee: \$0.00  
06/08/2011 03:48:04 PM  
Receipt #: 805100  
Requestor:  
HUTCHISON & STEFFEN LLC  
Recorded By: BRT Pgs: 9  
DEBBIE CONWAY  
CLARK COUNTY RECORDER

## RECORDING COVER PAGE

Must be typed or printed clearly in black ink only.

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11 digit Assessor's Parcel Number may be obtained at:  
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## TITLE OF DOCUMENT (DO NOT Abbreviate)

Notice of Entry of Findings of Fact, Conclusions of Law, and Judgment Awarding  
Attorneys' Fees

Title of the Document on cover page must be EXACTLY as it appears on the first  
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Recording requested by:

Patricia Lee

Return to:

Name Hutchison & Steffen, LLC

Address 10080 W. Alta Dr., Suite 200

City/State/Zip Las Vegas, NV 89145

This page provides additional information required by NRS 111.312 Sections 1-2.

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2 Michael K. Wall (2098)  
3 Patricia Lee (8287)  
4 **HUTCHISON & STEFFEN, LLC.**  
5 10080 West Alta Drive, Suite 200  
6 Las Vegas, NV 89145  
7 Telephone: 702/385-2500  
8 Facsimile: 702/385-2086  
9 mwall@hutchlegal.com  
10 plee@hutchlegal.com

11 *Former Attorneys for defendant/third-party*  
12 *plaintiff Kenneth Jowdy*

13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 **GLEN MURRAY,**  
16  
17 Plaintiff,

18 v.

19 **KENNETH JOWDY, DOES I through X,**  
20 inclusive,

21 Defendant.

Case No. A571984  
Dept No. XXII

**NOTICE OF ENTRY OF FINDINGS  
OF FACT, CONCLUSIONS OF LAW,  
AND JUDGMENT AWARDED  
ATTORNEYS' FEES**

22 **KENNETH JOWDY,**

23 Third-Party Plaintiff,

24 v.

25 **PHILLIP KENNER, an individual, DOES I**  
26 **through X, inclusive, and ROE**  
27 **CORPORATIONS I through X, inclusive,**

28 Third-Party Defendant.

PLEASE TAKE NOTICE that a **FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND JUDGMENT AWARDED ATTORNEYS' FEES** was entered in the above-captioned

///

///

///

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC

PECCOLE PROFESSIONAL PARK  
10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NV 89145



1 matter on June 6, 2011, a copy of which is attached hereto.

2 DATED this 1st day of June, 2011.

3 HUTCHISON & STEFFEN, LLC.

4  
5   
6 Michael K. Wall (2098)  
7 Patricia Lee (8287)  
8 Peccole Professional Park  
9 10080 West Alta Drive, Suite 200  
10 Las Vegas, NV 89145

11 *Former Attorneys for defendant/third-party*  
12 *plaintiff Kenneth Jowdy*

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**CERTIFICATE OF MAILING**

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC. and that on this 6<sup>th</sup> day of June, 2011, I caused the above and foregoing document entitled **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT AWARDING ATTORNEYS' FEES** to be served as follows:

☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ to be sent facsimile; and/or

☐ to be hand-delivered;

to the attorney(s)/party(-ies) listed below at the address and/or facsimile number indicated below:

Kenneth Jowdy  
74 Innisbrook Avenue  
Las Vegas, Nevada 89113

*Defendant*

Ross Goodman, Esq.  
Goodman Law Group  
520 S. Fourth Street, 2<sup>nd</sup> Floor  
Las Vegas, NV 89101

*Attorney for plaintiff*

Phillip Kenner  
200 Hoover Avenue #1711  
Las Vegas, NV 89101

*Third-Party Defendant in proper person*

  
An employee of Hutchison & Steffen

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC  
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LAS VEGAS, NV 89145

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1 FFOCL  
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2 Patricia Lee (8287)  
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3 Peccole Professional Park  
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4 Las Vegas, NV 89145  
Telephone: 702/385-2500  
5 Facsimile: 702/385-2086  
mwall@hutchlegal.com  
6 pleee@hutchlegal.com

7 *Former Attorneys for defendant/third-party*  
8 *plaintiff Kenneth Jowdy*

9  
10 DISTRICT COURT  
CLARK COUNTY, NEVADA

11 GLEN MURRAY,  
12 Plaintiff,

13 v.

14 KENNETH JOWDY, DOES I through X,  
inclusive,  
15 Defendant.

Case No. A571984  
Dept No. XXII

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND JUDGMENT  
AWARDING ATTORNEYS' FEES

18 KENNETH JOWDY,  
19 Third-Party Plaintiff,

20 v.

21 PHILLIP KENNER, an individual, DOES I  
22 through X, inclusive, and ROE  
23 CORPORATIONS I through X, inclusive,  
24 Third-Party Defendant.

25 Hutchison & Steffen, LLC's ("H&S") motion for attorneys' fees and costs against its  
26 former client, defendant/third-party plaintiff Kenneth Jowdy ("Jowdy" or "defendant"), came  
27 on for hearing before this Court on May 17, 2011. Patricia Lee appeared on behalf of H&S; no  
28 other parties or their counsel appeared.

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A PROFESSIONAL LLC

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10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NV 89145

HUTCHISON & STEFFEN

A PROFESSIONAL LLC  
PCCOLE PROFESSIONAL FIRM  
10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NV 89145

1 Having considered the motion, renewed motion, supplement, non-opposition,  
2 memorandum of costs and disbursements and other pleadings and papers on file herein, and  
3 having heard the arguments of counsel at the hearing, and being fully advised in the premises,  
4 the Court finds as follows:

6 FINDINGS OF FACT

7 1. On or about September 24, 2008, Jowdy was sued by way of an Amended  
8 Complaint in the above-captioned case.

9 2. To assist in his defense of this lawsuit, Jowdy obtained the services of H&S, and  
10 signed a retainer agreement with the firm on or about October 24, 2008.

11 3. As Jowdy's counsel, H&S has diligently defended this lawsuit, including, *inter*  
12 *alia*, filing an initial motion to dismiss, filing a cross-claim, conducting discovery including  
13 numerous depositions, issuing subpoenas duces tecum, propounding and responding to written  
14 discovery, working with Jowdy's out-of-state counsel, coordinating and attending numerous  
15 telephonic and in-person client conferences, conducting research, drafting and filing motions,  
16 attending court hearings, preparing for and defending Jowdy at trial, and opposing and arguing  
17 numerous post-trial motions.

18 4. As a result of the firm's legal services, Jowdy owes H&S \$154,532.63, which  
19 consists of attorneys' fees of \$149,145.81 and costs of \$5,386.82.

20 5. The costs and fees owed to H&S all arose pursuant to the parties' retainer  
21 agreement and were reasonable and necessary charges actually incurred. Jowdy agreed to  
22 "promptly pay [the] firm all previously incurred fees, costs, and expenses" upon termination of  
23 the attorney-client relationship by either H&S or defendant, and has failed to do so.

24 6. After completion of the bench trial in this matter, this Court issued a lengthy  
25

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1 decision that was unfavorable to Jowdy. A Notice of Entry of Judgment was filed January 24,  
2 2011.

3  
4 7. Despite H&S's numerous phone calls, e-mails, and letters to Jowdy regarding  
5 the time-sensitive nature of pursuing an appeal, and returning his file to him in exchange for  
6 payment of the outstanding fees and costs, Jowdy failed to respond and thus elected not to  
7 appeal this Court's decision.

8  
9 8. H&S filed a Notice of Withdrawal and Motion for Attorneys' Fees and Costs on  
10 or about February 11, 2011. Due to a clerical error, this Motion was not properly served on  
11 Jowdy.

12 9. On or about March 9, 2011, H&S filed an Amended Notice of Withdrawal  
13 pursuant to EDCR 7.40, which was mailed to Jowdy's correct, last-known address.

14 10. On or about March 15, 2011, H&S filed a Renewed Motion for Attorneys' Fees  
15 and Costs, which was mailed to Jowdy's correct, last-known address.

16 11. On or about May 4, 2011, H&S filed a Memorandum of Costs and  
17 Disbursements and Supplement to its Motion for Attorneys' Fees and Costs (attaching the  
18 firm's redacting billing records), both of which were mailed to Jowdy's correct, last-known  
19 address.  
20

21  
22 12. Despite proper service, Jowdy did not oppose or otherwise respond to any of  
23 H&S's court filings, ultimately consenting to the judgment.

24 CONCLUSIONS OF LAW

25 1. If any of the foregoing findings of fact would be more appropriately deemed a  
26 conclusion of law, it is so designated.  
27

28 2. H&S is entitled to its fees in the amount of \$149,145.81 and costs of \$5,386.82,



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1 for a total award of \$154,532.63, pursuant to the underlying retainer agreement, NRS 18.010(1)  
2 and NRCP 54(d)(2)(A).

3 3. Having considered the factors set forth in *Brunzell v. Golden Gate Nat'l Bank*,  
4 85 Nev. 345, 349-50, 455 P.2d 31, 33 (1969), H&S's fees were reasonably and necessarily  
5 incurred. In determining the reasonable value of H&S's services, this court considered the  
6 following factors: (1) the qualities of the advocates: ability, training, education, experience,  
7 professional standing and skill; (2) the character of the work to be done: its difficulty, its  
8 intricacy, its importance, time and skill required, the responsibility imposed and the prominence  
9 and character of the parties where they affect the importance of the litigation; (3) the work  
10 actually performed by the attorneys: the skill, time and attention given to the work; and (4) the  
11 result: whether the attorneys were successful and what benefits were derived. *Id.*

12 4. Pursuant to NRS 18.020(3) and the verified memorandum of costs and  
13 disbursements on file herein, less \$1,871.02 for overtime staffing costs, H&S is entitled to an  
14 award of its costs incurred herein in the amount of \$5,386.82.

15 5. By failing to respond to H&S's motion for attorneys' fees and costs, Jowdy has  
16 tacitly consented to this Court's adjudication of the motion. *Argentina Consolidated Mining*  
17 *Company v. Jolley Urga Wirth Woodbury & Standish*, 216 P.3d 779, 785 (2010).

18 6. To date, Jowdy has not asserted negligence or misconduct on the part of their  
19 former attorneys, H&S, such that this Court's summary adjudication of a fee dispute in the  
20 underlying action is inappropriate. *Argentina*, 216 P.3d at 787.

21 7. Pursuant to EDCR 2.20(c), this Court considers Jowdy's failure to serve and file  
22 written opposition as an admission that the motion is meritorious and a consent to granting the  
23 same.

8. Jowdy does not dispute that he entered into a valid and enforceable retainer agreement with H&S.

9. H&S complied with its duties and obligations under the agreement by providing the legal services contracted thereto.

**JUDGMENT**

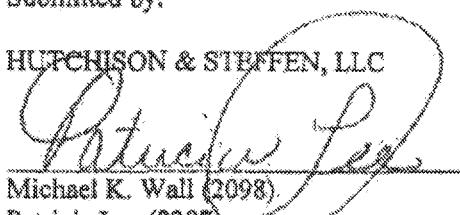
Based on the foregoing findings of fact and conclusions of law, H&S's motion for attorneys' fees and costs is granted. Judgment is entered in favor of H&S and against Jowdy, in the amount of \$149,145.81 and costs of \$5,386.82, for a total judgment amount of \$154,532.63 plus post-judgment interest to accrue at the contractual rate of 1% per month from the date of entry.

DATED this 3rd day of June 2011.

  
DISTRICT COURT JUDGE SUSAN JOHNSON

Submitted by:

HUTCHISON & STEFFEN, LLC

  
Michael K. Wall (2098)  
Patricia Lee (8287)  
Peccole Professional Park  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145

*Former Attorneys for defendant/third-party  
plaintiff Kenneth Jowdy*

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OF THE ORIGINAL ON FILE

  
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**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KENNETH A. JOWDY  
**Jurisdiction:** NV - CLARK COUNTY  
**Request for:** Federal Tax Lien Search  
**Thru Date:** February 03, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KENNETH A. JOWDY  
**Jurisdiction:** NV - SECRETARY OF STATE  
**Request for:** Federal Tax Lien Search  
**Thru Date:** January 30, 2014  
**Result:** Clear

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**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KENNETH A. JOWDY</b>
<b>Jurisdiction:</b>	<b>NV - SECRETARY OF STATE</b>
<b>Request For:</b>	<b>UCC Debtor Search</b>
<b>Result:</b>	<b>Records found</b>
<b>Thru Date:</b>	<b>January 30, 2014</b>
<b>No. of findings:</b>	8
<b>Original UCC Filings:</b>	2
<b>Amendments:</b>	2
<b>Continuations:</b>	2
<b>Assignments:</b>	2
<b>Releases:</b>	0
<b>Corrections:</b>	0
<b>Terminations:</b>	0

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** KENNETH A. JOWDY  
**Jurisdiction:** NV - SECRETARY OF STATE  
**Request for:** UCC Debtor Search  
**Result:** Records found

**File Type:** Original  
**File Number:** 2006007960-5  
**File Date :** 03/13/2006  
**Current Secured Party of Record:** DANSKE BANK, A/S LONDON BRANCH, LEHMAN BROTHERS HOLDINGS INC.

**File Type:** Amendment  
**File Number:** 2006010942-2  
**File Date :** 04/06/2006  
**Original File Number:** 2006007960-5

**File Type:** Assignment  
**File Number:** 2009006176-7  
**File Date :** 03/11/2009  
**Original File Number:** 2006007960-5

**File Type:** Continuation  
**File Number:** 2010030839-6  
**File Date :** 12/09/2010  
**Original File Number:** 2006007960-5

**File Type:** Original  
**File Number:** 2006007961-7  
**File Date :** 03/13/2006  
**Current Secured Party of Record:** DANSKE BANK, A/S LONDON BRANCH, LEHMAN BROTHERS HOLDINGS INC.

**File Type:** Amendment  
**File Number:** 2006010932-1  
**File Date :** 04/06/2006  
**Original File Number:** 2006007961-7

**File Type:** Assignment  
**File Number:** 2009006177-9  
**File Date :** 03/11/2009  
**Original File Number:** 2006007961-7

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<b>File Type:</b>	Continuation
<b>File Number:</b>	2010030840-9
<b>File Date :</b>	12/09/2010
<b>Original File Number:</b>	2006007961-7

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[jeboyle@cscinfo.com](mailto:jeboyle@cscinfo.com)

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FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)	
Jay Schwartz	212-592-1400
B. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Return acknowledgment to:	
★	
Capitol Corporate Services, Inc.	
P.O. Box 3100 Carson City, NV 89702	
800/899-0490	

Filed in the office of <i>Dean Heller</i> Dean Heller Secretary of State State of Nevada	Document Number <b>2006007960-5</b>
	Filing Date and Time <b>03/13/2006 1:45 PM</b>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names				
1a. ORGANIZATION'S NAME				
OR	1b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
	Jowdy		Kenneth	A.
1c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
74 Innisbrook Avenue		Las Vegas	NV	89113
1d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	1e. TYPE OF ORGANIZATION	1f. JURISDICTION OF ORGANIZATION	1g. ORGANIZATIONAL ID #, if any
		Individual		
<input checked="" type="checkbox"/> NONE				

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names				
2a. ORGANIZATION'S NAME				
OR	2b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
2d. SEE INSTRUCTIONS	ADDL INFO RE ORGANIZATION DEBTOR	2e. TYPE OF ORGANIZATION	2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> NONE				

3. SECURED PARTY'S NAME (a NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)				
3a. ORGANIZATION'S NAME				
Lehman Brothers Holdings Inc.				
OR	3b. INDIVIDUAL'S LAST NAME		FIRST NAME	MIDDLE NAME
3c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
399 Park Avenue		New York	NY	10022

4. This FINANCING STATEMENT covers the following collateral:  
All of Debtor's right, title and interest to the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests;
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

Refer to defined terms in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor, BAJA VENTURES 2006, L.L.C., DIAMANTE PROPERTIES, LLC, and CSL PROPERTIES 2006, LLC, and KAF HOLDINGS, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.

5. ALTERNATIVE DESIGNATION (if applicable):	LESSOR/LESSOR	CONSIGNEE/CONSIGNOR	BAILEE/BAILO	SELLER/BUYER	AG. LIEN	NON-UCC FILING
6. "This FINANCING STATEMENT is to be filed (for record) in the REAL ESTATE RECORDS. Check Applicable:	7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (Additional Fee)					
8. OPTIONAL FILER REFERENCE DATA						
Filed with: NV - SOS						
						F#152956 A#243509

FILING OFFICE COPY — UCC FINANCING STATEMENT (FORM UCC-1) (REV. 05/22/02)

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Return acknowledgment to:

Capitol Corporate Services, Inc.  
P.O. Box 3100 Carson City, NV 89702  
800/899-0490

Filed in the office of

Dean Heller

Secretary of State  
State of Nevada

Document Number

2006010942-2

Filing Date and Time

04/06/2006 5:00 PM

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

2006007960-5 dated 3/13/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete item 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR 6b. INDIVIDUAL'S LAST NAME

Jowdy

FIRST NAME

Kenneth

MIDDLE NAME

A.

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR 7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

7d. SEE INSTRUCTIONS

ADD INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☒ restated collateral description, or describe collateral ☐ assigned.

See attached Schedule A.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR Lehman Brothers Holdings Inc.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

Filed with: NV-Secretary of State

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

#### Schedule A

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Pledgor's right, title and interest in Diamante Cabo San Lucas, LLC (the "Company"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by Company to Pledgors while this Agreement is in effect.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor, BAJA VENTURES 2006, LLC, DIAMANTE PROPERTIES, LLC, CSL PROPERTIES 2006, LLC, and KAJ HOLDINGS, LLC in favor of LEHMAN BROTHERS HOLDINGS INC.



# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Return acknowledgment to:

Capitol Corporate Services, Inc.  
P.O. Box 3100 Carson City, NV 89702  
800/899-0490

Filed in the office of

Ross Miller  
Secretary of State  
State of Nevada

Document Number

2009006176-7

Filing Date and Time

03/11/2009 3:52 PM

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

2006007960-5 FILED 3/13/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☒ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 6a or 6b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR 6b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR Danske Bank, A/S London Branch

7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

London Branch, 75 King William Street

London

STATE

POSTAL CODE

COUNTRY

XX EC4N 7DT

England

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR Lehman Brothers Holdings Inc.

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

FILE WITH THE NEVADA SECRETARY OF STATE; DEBTOR - KENNETH A. JOWDY

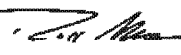
FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)



# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>A. NAME &amp; PHONE OF CONTACT AT FILER [optional]</b>	
Donna Klenke	713-533-4661
<b>B. SEND ACKNOWLEDGMENT TO: (Name and Address)</b>	
Donna Klenke UCC Direct Services 2727 Allen Parkway Suite 1000 Houston, TX 77019	

Filed in the office of  Ross Miller Secretary of State State of Nevada	Document Number
	2010030839-6
	Filing Date and Time
	12/09/2010 12:21 PM

(This document was filed electronically.)  
THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #				1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.			
2006007960-5				<input type="checkbox"/>			
2. <input type="checkbox"/> <b>TERMINATION:</b> Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.							
3. <input checked="" type="checkbox"/> <b>CONTINUATION:</b> Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.							
4. <input type="checkbox"/> <b>ASSIGNMENT</b> (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.							
5. <b>AMENDMENT (PARTY INFORMATION):</b> This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only <u>one</u> of these two boxes. Also check <u>one</u> of the following three boxes and provide appropriate information in items 6 and/or 7. <input type="checkbox"/> <b>CHANGE</b> name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. <input type="checkbox"/> <b>DELETE</b> name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> <b>ADD</b> name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).							
6. <b>CURRENT RECORD INFORMATION:</b>							
6a. ORGANIZATION'S NAME							
OR	6b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME		SUFFIX
7. <b>CHANGED (NEW) OR ADDED INFORMATION:</b>							
7a. ORGANIZATION'S NAME							
OR	7b. INDIVIDUAL'S LAST NAME		FIRST NAME		MIDDLE NAME		SUFFIX
7c. MAILING ADDRESS			CITY		STATE	POSTAL CODE	COUNTRY
7d. <b>SEE INSTRUCTIONS</b>	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION		7g. ORGANIZATIONAL ID#, if any		
						<input type="checkbox"/> NONE	

8. **AMENDMENT (COLLATERAL CHANGE):** check only one box.  
Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. <b>NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT</b> (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here <input type="checkbox"/> and enter name of DEBTOR authorizing this Amendment.			
9a. ORGANIZATION'S NAME			
DANSKE BANK A/S. LONDON BRANCH			
OR	9b. INDIVIDUAL'S LAST NAME		FIRST NAME
			MIDDLE NAME
			SUFFIX

10. **OPTIONAL FILER REFERENCE DATA**  
NV-0-43952340

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

**FOLLOW INSTRUCTIONS (front and back) CAREFULLY**

Filed in the office of <i>Dean Heller</i> Dean Heller Secretary of State State of Nevada	Document Number <b>2006007961-7</b>
	Filing Date and Time <b>03/13/2006 1:45 PM</b>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3c)				
3a. ORGANIZATION'S NAME Lehman Brothers Holdings Inc.				
OR	3b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
3c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
399 Park Avenue	New York	NY	10022	

(i) all Pledged Company Interests;

(ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;

(iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;

(iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and

(v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

<b>6. ALTERNATIVE DESIGNATION</b> <i>(If applicable)</i>	<b>LESSEE/LESSOR</b>	<b>CONSIGNEE/CONSIGNOR</b>	<b>BAILEY/BAILOC</b>	<b>SELLER/BUYER</b>	<b>A.G. LIEN</b>	<b>NONALICC FILING</b>
This <b>(TRANSFER STATEMENT)</b> is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS - Adm. & Instr. Div.	<b>(If applicable)</b>	<b>(If applicable)</b>	<b>(If applicable)</b>	<b>(If applicable)</b>	<b>(If applicable)</b>	<b>(If applicable)</b>
I check to REQUEST SEARCH REPORT(S) on Debtor(s) <b>(ADDITIONAL FEE)</b>					<b>AS Debtors</b>	<b>Debitor 1      Debitor 2</b>

FH152953  
AF243506

DANSKE 0016234

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]
B. SEND ACKNOWLEDGMENT TO: (Name and Address)
Return acknowledgment to: ★ Capitol Corporate Services, Inc. P.O. Box 3100 Carson City, NV 89702 800/899-0490

Filed in the office of <i>Dean Heller</i> Dean Heller Secretary of State State of Nevada	Document Number <b>2006010932-1</b>
	Filing Date and Time <b>04/06/2006 4:48 PM</b>

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # <b>2006007961-7</b> dated <b>3/13/2006</b>	1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. <input type="checkbox"/>
2. <input type="checkbox"/> TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.	
3. <input type="checkbox"/> CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.	
4. <input type="checkbox"/> ASSIGNMENT (full or partial). Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.	
5. AMENDMENT (PARTY INFORMATION): This Amendment affects <input type="checkbox"/> Debtor or <input type="checkbox"/> Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7: <input type="checkbox"/> CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party. <input type="checkbox"/> DELETE name: Give record name to be deleted in item 6a or 6b. <input type="checkbox"/> ADD name: Complete item 7a or 7b, and also item 7c, also complete items 7e-7g (if applicable).	
6. CURRENT RECORD INFORMATION:	
6a. ORGANIZATION'S NAME	
OR	6b. INDIVIDUAL'S LAST NAME
	6c. INDIVIDUAL'S FIRST NAME
	6d. INDIVIDUAL'S MIDDLE NAME
	6e. INDIVIDUAL'S SUFFIX
7. CHANGED (NEW) OR ADDED INFORMATION:	
7a. ORGANIZATION'S NAME	
OR	7b. INDIVIDUAL'S LAST NAME
	7c. INDIVIDUAL'S FIRST NAME
	7d. INDIVIDUAL'S MIDDLE NAME
	7e. INDIVIDUAL'S SUFFIX
7f. MAILING ADDRESS	
7g. CITY	
7h. STATE	
7i. POSTAL CODE	
7j. COUNTRY	
7d. SEE INSTRUCTIONS	7e. TYPE OF ORGANIZATION
7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any
<input type="checkbox"/> NONE	
8. AMENDMENT (COLLATERAL CHANGE): check only one box. Describe collateral <input type="checkbox"/> deleted or <input type="checkbox"/> added, or give entire <input checked="" type="checkbox"/> restated collateral description, or describe collateral <input type="checkbox"/> assigned.	

See attached Schedule A.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment. If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here <input type="checkbox"/> and enter name of DEBTOR authorizing this Amendment.			
9a. ORGANIZATION'S NAME			
OR	9b. INDIVIDUAL'S LAST NAME		
	9c. INDIVIDUAL'S FIRST NAME		
	9d. INDIVIDUAL'S MIDDLE NAME		
	9e. INDIVIDUAL'S SUFFIX		
10. OPTIONAL FILER REFERENCE DATA			
Filed with: NV-Secretary of State			

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

#### Schedule A

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Pledgors in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Collateral;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Pledgors (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Pledgor's right, title and interest in Diamante Cabo San Lucas S. De R.L. De CV (the "Borrower"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by Borrower to Pledgors while this Agreement is in effect.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March 10, 2006, made by Debtor and Diamante Cabo San Lucas, LLC in favor of Lehman Brothers Holdings Inc.



# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Return acknowledgment to:

★  
Capitol Corporate Services, Inc.  
P.O. Box 3100 Carson City, NV 89702  
800/899-0490

Filed in the office of

*Ross Miller*  
Ross Miller  
Secretary of State  
State of Nevada

Document Number

2009006177-9

Filing Date and Time

03/11/2009 3:53 PM

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

2006007961-7 FILED 3/13/2006

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS ☐

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☒ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ DELETE name: Give record name to be deleted in item 8a or 8b.

☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

8a. ORGANIZATION'S NAME

OR 8b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR **Danske Bank, A/S London Branch**

7b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

7c. MAILING ADDRESS

**London Branch, 75 King William Street**

**London**

STATE

POSTAL CODE

COUNTRY

**XX EC4N 7DT**

**England**

7d. SEE INSTRUCTIONS

ADD'L INFO RE ORGANIZATION DEBTOR

7e. TYPE OF ORGANIZATION

7f. JURISDICTION OF ORGANIZATION

7g. ORGANIZATIONAL ID #, if any

☐ NONE

8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME

OR **Lehman Brothers Holdings Inc.**

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

10. OPTIONAL FILER REFERENCE DATA


**FILE WITH THE NEVADA SECRETARY OF STATE; DEBTOR - KENNETH A. JOWDY**

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02) International Association of Commercial Administrators (IACA)

## UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

<b>A. NAME &amp; PHONE OF CONTACT AT FILER [optional]</b>	
Donna Klenke	713-533-4661
<b>B. SEND ACKNOWLEDGMENT TO: (Name and Address)</b>	
Donna Klenke UCC Direct Services 2727 Allen Parkway Suite 1000 Houston, TX 77019	

Filed in the office of  Ross Miller Secretary of State State of Nevada	Document Number <b>2010030840-9</b>
	Filing Date and Time <b>12/09/2010 12:23 PM</b>

(This document was filed electronically.)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #

2006007961-7

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

2. ☐ **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☒ **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ **ASSIGNMENT** (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. **AMENDMENT (PARTY INFORMATION):** This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ **CHANGE** name and/or address: Please refer to the detailed instructions in regards to changing the name/address of a party.

☐ **DELETE** name: Give record name to be deleted in item 6a or 6b.

☐ **ADD** name: Complete item 7a or 7b, and also item 7c; also complete items 7e-7g (if applicable).

6. **CURRENT RECORD INFORMATION:**

6a. ORGANIZATION'S NAME				
OR	6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7. **CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME				
OR	7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
---------------------	------	-------	-------------	---------

7d. <b>SEE INSTRUCTIONS</b>	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any
				<input type="checkbox"/> NONE

8. **AMENDMENT (COLLATERAL CHANGE):** check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☐ restated collateral description, or describe collateral ☐ assigned.

9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT** (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☐ and enter name of **DEBTOR** authorizing this Amendment.

9a. ORGANIZATION'S NAME DANSKE BANK A/S. LONDON BRANCH				
OR	9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX

10. **OPTIONAL FILER REFERENCE DATA**

NV-0-43952351

FILING OFFICE COPY — UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 05/22/02)

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212-299-5600  
212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-6

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>KENNETH A. JOWDY</b>
<b>Jurisdiction:</b>	<b>NV - U.S. DISTRICT COURT</b>
<b>Request for:</b>	<b>Federal Judgment Search</b>
<b>Thru Date:</b>	<b>January 03, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** PF VENTURES, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Federal Tax Lien Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY CITY CLERK</b>
<b>Request for:</b>	<b>State Tax Lien Search</b>
<b>Thru Date:</b>	<b>February 04, 2014</b>
<b>Result:</b>	<b>Clear</b>

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** PF VENTURES, LLC  
**Jurisdiction:** CT - DANBURY CITY CLERK  
**Request for:** Local Judgment Search  
**Thru Date:** February 04, 2014  
**Result:** Clear

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - DANBURY JUDICIAL DISTRICT</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>February 05, 2014</b>
<b>Result:</b>	<b>Clear</b>

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212-299-5656 (Fax)

Matter# 088508/00001  
Project Id :  
Additional Reference : NOT PROVIDED

Order# 991947-7  
Order Date 02/05/2014

Subject:	PF VENTURES, LLC
Jurisdiction:	CT - SECRETARY OF STATE
Request For:	UCC Debtor Search
Result:	Records found
Thru Date:	January 28, 2014
No. of findings:	2
Original UCC Filings:	1
Amendments:	0
Continuations:	1
Assignments:	0
Releases:	0
Corrections:	0
Terminations:	0

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

**Subject:** PF VENTURES, LLC  
**Jurisdiction:** CT - SECRETARY OF STATE  
**Request for:** UCC Debtor Search  
**Result:** Records found

**File Type:** Original  
**File Number:** 0002683094  
**File Date :** 03/11/2009  
**Current Secured Party of Record:** DANSKE BANK A/S, LONDON BRANCH

**File Type:** Continuation  
**File Number:** 0002965916  
**File Date :** 11/11/2013  
**Original File Number:** 0002683094

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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# STATE OF CONNECTICUT UCC-1 FINANCING STATEMENT

**MAILING ADDRESS:**  
Commercial Recording Division  
Connecticut Secretary of the State  
P.O. BOX 150470  
Hartford, CT 06115-0470  
860-509-6002

**COURIER ADDRESS:**  
Commercial Recording Division  
Connecticut Secretary of the State  
30 Trinity Street  
Hartford, CT 06106  
860-509-6002

Follow Instructions Carefully

Requesting Party	Cust ID	Fee \$25	(Space for filing office use only)
Name	Mitchell Kolkin, Esquire - V	FILING #0002683094 PG 01 OF 02 VOL U-00397	
Address	750 East Pratt Street, Suite	FILED 03/11/2009 03:10 PM PAGE 03323	
City	Baltimore	SECRETARY OF THE STATE	
State	Maryland	CONNECTICUT SECRETARY OF THE STATE	
Zip	21202		

1. DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (1a or 1b) - do not abbreviate or combine names

OR	1a. ORGANIZATION'S NAME PF VENTURES, LLC			
	1b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
1c.	MAILING ADDRESS 63 Lakeview Terrace		CITY Sandy Hook	STATE CT
			POSTAL CODE 06482	COUNTRY USA
	ADD'L INFO RE ORGANIZATION DEBTOR	1d. TYPE OF ORGANIZATION limited liability company	1e. JURISDICTION OF ORGANIZATION Connecticut	1f. ORGANIZATIONAL ID # OPTIONAL 0892204

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one debtor name (2a or 2b) - do not abbreviate or combine names

OR	2a. ORGANIZATION'S NAME			
	2b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
2c.	MAILING ADDRESS		CITY	STATE
			POSTAL CODE	COUNTRY
	ADD'L INFO RE ORGANIZATION DEBTOR	2d. TYPE OF ORGANIZATION	2e. JURISDICTION OF ORGANIZATION	2f. ORGANIZATIONAL ID # OPTIONAL

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - Insert only one secured party name (3a. or 3b.)

OR	3a. ORGANIZATION'S NAME DANSKE BANK A/S, LONDON BRANCH			
	3b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
3c.	MAILING ADDRESS London Branch, 75 King William St.		CITY London	STATE EC4N 7DT
			POSTAL CODE	COUNTRY England

4. This FINANCING STATEMENT covers the following collateral:

All collateral described on attached Schedule A

5. ALTERNATIVE DESIGNATION (if applicable)

☐ LESSOR/LIBOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☐ SELLER/BUYER

6. OPTIONAL FILER REFERENCE DATA

FILE WITH THE CONNECTICUT SECRETARY OF STATE: DEBTOR PF VENTURES, LLC

FILING OFFICE COPY - CONNECTICUT UCC FINANCING STATEMENT (FORM UCC1)

Revised 11/2007

FILED 00002683094 PG 02 OF 02 VOL U-00397  
 FILED 03/11/2009 03:10 PM PAGE 03324  
 SECRETARY OF THE STATE  
 CONNECTICUT SECRETARY OF THE STATE

**DEBTOR: PF VENTURES, LLC**

**SECURED PARTY: DANSKE BANK A/S, LONDON BRANCH**

**Schedule A**

All of Debtor's right, title and interest in the following (collectively, the "Pledged Collateral"):

- (i) all Pledged Company Interests (as hereinafter defined);
- (ii) all securities, security certificates, moneys or property representing the Pledged Company Interests, or representing dividends or interest on any of the Pledged Company Interests, or representing a distribution in respect of the Pledged Company Interests, or resulting from a split-up, revision, reclassification or other like change of the Pledged Company Interests or otherwise received in exchange therefor, and any subscription warrants, rights or options issued to the holders of, or otherwise in respect of, the Pledged Company Interests;
- (iii) all right, title and interest of Debtor in, to and under any policy of insurance payable by reason of loss or damage to the Pledged Company Interests and any other Pledged Collateral described in this Schedule A and all Proceeds thereof;
- (iv) all "accounts", "general intangibles", "instruments" and "investment property" (in each case as defined in the Code) constituting or relating to the foregoing; and
- (v) all Proceeds of any of the foregoing property of Debtor (including, without limitation, any proceeds of insurance thereon, all "accounts", "general intangibles", "instruments" and "investment property", in each case as defined in the Code, constituting or relating to the foregoing).

"Pledged Company Interests" shall mean all of Debtor's right, title and interest in Diamante Cabo San Lucas, LLC, a Delaware limited liability company (the "Company"), together with any and all membership certificates evidencing ownership of such interests, and all claims, powers, privileges, benefits, remedies, voting rights, options or rights of any nature whatsoever which currently exist or may be issued or granted by the Company to Debtor while the Agreement (hereinafter defined) is in effect.

"Code" shall mean the Uniform Commercial Code in effect in any applicable jurisdiction where any Pledged Collateral described by this Schedule A and all Proceeds thereof are "located" for purposes of the Code.

"Proceeds" shall mean all "proceeds" as such term is defined in Section 9-102(a)(64) of the Code, and, in any event, shall include, without limitation, all dividends or other income from the Pledged Company Interests, collections thereon or distributions with respect thereto.

Refer to defined terms not otherwise herein defined in that certain Pledge and Security Agreement dated March \_\_, 2009, made by Debtor and in favor of DANSKE BANK A/S, LONDON BRANCH (the "Agreement").





SECRETARY OF THE STATE OF CONNECTICUT  
UCC-3 FINANCING STATEMENT AMENDMENT

FILING #0002965916 PG 1 OF 1  
VOL 00504 PAGE 1388  
FILED ON 11/11/2013 07:41 AM  
SECRETARY OF THE STATE OF CONNECTICUT

1. INITIAL FINANCING STATEMENT FILE # :

0002683094

2. ☐ **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the secured party authorizing this termination statement.

3. ☒ **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to security interest(s) of the secured party authorizing this continuation statement is continued for the additional period provided by applicable law.

4. ☐ **ASSIGNMENT(full or partial):** Give name of assignor at point 7.

5. ☐ **AMENDMENT(PARTY INFORMATION) :**

5.1 This Amendment Affects :

☐ Debtor ☐ Secured Party

☐ Added ☐ Deleted ☐ Change

6. ☐ **AMENDMENT (COLLATERAL CHANGE):** (Check only one box)

☐ Added ☐ Deleted ☐ Restated ☐ Assigned

7. **NAME OF PARTY OF RECORD AUTHORIZING THIS AMENDMENT :** ((name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor). ☐

DANSKE BANK A/S, LONDON BRANCH

8. **OPTIONAL FILER REFERENCE DATA :**



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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>State Tax Lien Search</b>
<b>Thru Date:</b>	<b>January 28, 2014</b>
<b>Result:</b>	<b>Clear</b>

Ordered by JANA PAREMOUD at BAKER & HOSTETLER LLP

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>Local Judgment Search</b>
<b>Thru Date:</b>	<b>January 28, 2014</b>
<b>Result:</b>	<b>Clear</b>

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**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - SECRETARY OF STATE</b>
<b>Request for:</b>	<b>Federal Tax Lien Search</b>
<b>Thru Date:</b>	<b>January 16, 2014</b>
<b>Result:</b>	<b>Clear</b>

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212-299-5656 (Fax)

**Matter#** 088508/00001

**Order#** 991947-7

**Project Id :**

**Order Date** 02/05/2014

**Additional Reference :** NOT PROVIDED

<b>Subject:</b>	<b>PF VENTURES, LLC</b>
<b>Jurisdiction:</b>	<b>CT - U.S. DISTRICT COURT</b>
<b>Request for:</b>	<b>Federal Judgment Search</b>
<b>Thru Date:</b>	<b>January 03, 2014</b>
<b>Result:</b>	<b>Clear</b>

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